

**ASSEMBLY BILL**

**No. 164**

**Introduced by Assembly Member Jerome Horton**

January 22, 2003

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An act to add and repeal Article 17 (commencing with Section 35420) of Chapter 2 of Part 22 of the Education Code, relating to the Inglewood Unified School District.

LEGISLATIVE COUNSEL'S DIGEST

AB 164, as introduced, Jerome Horton. Inglewood Unified School District.

Existing law authorizes the governing board of a school district to subpoena witnesses to appear before it in certain circumstances, including circumstances relating to the expulsion of pupils and to ascertain damage due to an emergency. Existing law provides that a person who testifies falsely under oath is guilty of perjury.

Existing law, until January 1, 2015, authorizes the Los Angeles Unified School District's Office of Inspector General to conduct audits and investigations, subpoena witnesses, administer oaths or affirmations, take testimony, and compel the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence deemed material, relevant, and reasonably related to any inquiry or investigation undertaken by the inspector general if he or she has a reasonable suspicion that a law, regulation, rule, or district policy has been or is being materially violated. Existing law requires that, if the inspector general determines that there is reasonable cause to believe that an employee or outside agency has engaged in any illegal activity, to report the nature and

details of that activity on a timely basis to the local district attorney or the Attorney General.

This bill would, until January 1, 2015, confer these authorizations and duties on the Inspector General of the Inglewood Unified School District. The bill would require the inspector general to submit interim reports to the Legislature. The bill would provide that any disclosure of information by the inspector general or that office that was acquired pursuant to a subpoena of the private books, documents, or papers of the person subpoenaed, would be punishable as a misdemeanor, thereby creating a state-mandated local program. The bill would also expand the class of people subject to the crime of perjury, thereby imposing a state-mandated local program.

The bill would declare that, due to the unique circumstances applicable to the inspector general within the Inglewood Unified School District, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that a history  
2 of misuse of funds by the Inglewood Unified School District  
3 supports the authorizations and duties imposed by this act.

4 SEC. 2. Article 17 (commencing with Section 35420) is  
5 added to Chapter 2 of Part 22 of the Education Code, to read:

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7 Article 17. Inglewood Unified School District

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9 35420. (a) The Inglewood Unified School District's  
10 Inspector General is authorized to conduct audits and  
11 investigations. The inspector general may subpoena witnesses,  
12 administer oaths or affirmations, take testimony, and compel the



1 production of all information, documents, reports, answers,  
2 records, accounts, papers, and other data and documentary  
3 evidence deemed material and relevant and that reasonably relate  
4 to the inquiry or investigation undertaken by the inspector general  
5 if he or she has a reasonable suspicion that a law, regulation, rule,  
6 or district policy has been violated or is being violated. For  
7 purposes of this section, “reasonable suspicion” means that the  
8 circumstances known or apparent to the inspector general include  
9 specific and articulable facts causing him or her to suspect that a  
10 material violation of law, regulation, rule, or district policy has  
11 occurred or is occurring, and that the facts would cause a  
12 reasonable officer in a like position to suspect that a material  
13 violation of a law, regulation, rule, or district policy has occurred  
14 or is occurring.

15 (b) Subpoenas shall be served in the manner provided by law  
16 for service of summons. Any subpoena issued pursuant to this  
17 section may be challenged pursuant to Chapter 2 (commencing  
18 with Section 1985) of Title 3 of Part 4 of the Code of Civil  
19 Procedure.

20 (c) For purposes of this section, Sections 11184, 11185, 11186,  
21 11187, 11188, 11189, 11190, and 11191 of the Government Code  
22 apply to the subpoenaing of witnesses and documents, reports,  
23 answers, records, accounts, papers, and other data and  
24 documentary evidence as if the investigation was being conducted  
25 by a state department head, except that the applicable court for  
26 resolving motions to compel or motions to quash shall be the  
27 Superior Court for the County of Los Angeles.

28 (d) Notwithstanding any other provision of law, any person  
29 who, after the administration of an oath or affirmation pursuant to  
30 this section, states or affirms as true any material matter that he or  
31 she knows to be false is guilty of a misdemeanor punishable by  
32 imprisonment in a county jail not to exceed six months or by a fine  
33 not to exceed five thousand dollars (\$5,000), or by both that fine  
34 and imprisonment for the first offense. Any subsequent violation  
35 is punishable by imprisonment in a county jail for a term not to  
36 exceed one year or by a fine not to exceed ten thousand dollars  
37 (\$10,000), or by both that fine and term of imprisonment.

38 (e) The inspector general shall submit an interim report to the  
39 Legislature by July 1, 2004, annual interim reports by July 1 of



1 each succeeding year through 2014, inclusive, and a final  
2 cumulative report by December 1, 2014, on all of the following:

3 (1) The use and effectiveness of the subpoena power authorized  
4 by this section in the successful completion of the inspector  
5 general's duties.

6 (2) Any use of the subpoena power in which the issued  
7 subpoena was quashed, including the basis for the court's order.

8 (3) Any referral to the local district attorney or the Attorney  
9 General if the district attorney or Attorney General declined to  
10 investigate the matter further or declined to prosecute.

11 35421. (a) If the inspector general determines that there is  
12 reasonable cause to believe that an employee or outside agency has  
13 engaged in any illegal activity, he or she shall report the nature and  
14 details of the activity on a timely basis to the local district attorney  
15 or the Attorney General.

16 (b) The inspector general does not have any enforcement  
17 power.

18 (c) Every investigation, including, but not limited to, all  
19 investigative files and work-product, shall be kept confidential,  
20 except that the inspector general may issue any report of an  
21 investigation that has been substantiated, keeping confidential the  
22 identity of the individual or individuals involved, or release any  
23 findings resulting from an investigation conducted pursuant to this  
24 article that is deemed necessary to serve the interests of the district.

25 (d) This section does not limit any authority conferred upon the  
26 Attorney General or any other department or agency of  
27 government to investigate any matter.

28 (e) Except as authorized in this section, or if called upon to  
29 testify in any court or proceeding at law, any disclosure of  
30 information by the inspector general or that office that was  
31 acquired pursuant to a subpoena of the private books, documents,  
32 or papers of the person subpoenaed, is punishable as a  
33 misdemeanor.

34 35422. This article shall remain in effect only until January 1,  
35 2015, and as of that date is repealed, unless a later enacted statute,  
36 that is enacted before January 1, 2015, deletes or extends that date.

37 SEC. 3. The Legislature finds and declares that, due to the  
38 unique circumstances applicable to the office of Inspector General  
39 within the Inglewood Unified School District, a statute of general

1 applicability cannot be enacted within the meaning of subdivision  
2 (b) of Section 16 of Article IV of the California Constitution.

3 SEC. 4. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

12 Moreover, no reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district are the result of a program for which legislative authority  
16 was requested by that local agency or school district, within the  
17 meaning of Section 17556 of the Government Code and Section  
18 6 of Article XIII B of the California Constitution.

